

Hearing Date: July 10, 2024
Time: 9:30 a.m.
Location: Courtroom #1, Phila., PA

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE: : CHAPTER 11
:
PHILADELPHIA ORTHODONTICS, P.C., : BANKR. NO. 24-11728-pmm
:
Debtor. :

**UNITED STATES TRUSTEE’S MOTION FOR COURT DETERMINATION
WHETHER THE APPOINTMENT OF A PATIENT CARE OMBUDSMAN IS
NECESSARY IN THIS CASE**

The United States trustee for Region 3 (the “U. S. trustee”) hereby moves for a Court determination of whether a patient care ombudsman should be appointed in this case. In support of his motion, the U. S. trustee represents as follows:

1. Philadelphia Orthodontics, P.C. (“Debtor”) filed a petition under subchapter V of Chapter 11 on May 21, 2024.

2. The Debtor stated on its Petition that it is a Health Care Business Case defined in 11 U.S.C. § 101(27A).

3. On May 21, 2024, the U. S. trustee requested information from the Debtor to assist in determining whether the appointment of a Patient Care Ombudsman is necessary for the protection of the Debtor’s patients under the specific facts of this case. The Debtor responded to the request on May 29, 2024, and the information contained therein appears to confirm the Debtor’s representation that it is a health care business. However, it does not appear from the information that the appointment of a Patient Care Ombudsman is necessary.

4. Section 333 of the Bankruptcy Code provides, in pertinent part:

If the debtor in a case under chapter 7, 9, or 11 is a healthcare business, the court shall order, not later than 30 days after the commencement of the case, the appointment of an ombudsman to monitor the quality of patient care and to represent the interests of the

patients of the health care business unless the court finds that the appointment of such ombudsman is not necessary for the protection of patients under the specific facts of the case.

11 U.S.C. § 333(a)(1).

5. Federal Rule of Bankruptcy Procedure 2007.2, which implements section 333, provides that the appointment of an ombudsman shall proceed as set forth in section 333 “unless the court, on motion of the United States trustee or a party in interest filed no later than 21 days after the commencement of the case ... finds that the appointment of a patient care ombudsman is not necessary under the specific circumstances of the case for the protection of patients.”

Fed.R.Bankr.P. 2007.2(a).

6. The U. S. trustee asserts that a hearing is necessary to allow the Court to Make a finding as to whether the appointment of a patient care ombudsman is necessary to monitor the quality of patient care and to represent the interests of patients in this case.

For the reasons set forth above, among others, the U. S. trustee respectfully requests that the Court conduct a hearing on the above issue and enter an appropriate order after determining whether the appointment of a patient care ombudsman is necessary in this case. The U. S. trustee has included two forms of order with this Motion.

ANDREW R. VARA
United States trustee, Region 3

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Dated: May 30, 2024.